

**FOR THE UNITED STATES DISTRICT COURT  
IN THE DISTRICT OF NEW MEXICO**

ANTONIO LOPEZ SERNA,

Plaintiff,

v.

Civ. No. 12-853 MV/KK

WILLIAM SHANNON *et al.*,

Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION,  
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT,  
AND DENYING PLAINTIFF'S PENDING MOTIONS AS MOOT**

THIS MATTER comes before the Court on United States Magistrate Judge Kirtan Khalsa's Proposed Findings and Recommended Disposition (Doc. 90), filed March 10, 2015. In the Proposed Findings and Recommended Disposition, Magistrate Judge Khalsa recommended that the *Martinez* Report and Motion for Summary Judgment by Defendants Dr. Barry Beaven and Dr. William Shannon (Doc. 58) be granted. In light of this recommendation, Magistrate Judge Khalsa further recommended that the following motions be denied as moot: Plaintiff's Motion for Jury Trial (Doc. 61); Plaintiff's Motion for Summary Judgment (Doc. 62); Plaintiff's Motion to Request a Trial (Doc. 65); Plaintiff's Motion to Address Medical Care and Concerns (Doc. 67); Plaintiff's Motion for Preliminary Injunction (Doc. 68); Plaintiff's Motion for Appointment of Counsel (Doc. 73); Plaintiff's Motion for Ruling (Doc. 76); Plaintiff's Motion for Summary Judgment (Doc. 78); Plaintiff's Motion for Summary Judgment (Doc. 79); Plaintiff's Motion to Set Trial Date (Doc. 83); Plaintiff's Motion for Summary Judgment (Doc. 84); Plaintiff's Motion for Appointment of Counsel (Doc. 85); and, Plaintiff's Motion for Telephonic Hearing (Doc. 86).


The parties have filed no objections to the Magistrate Judge's Proposed Findings and Recommended Disposition. Failure to timely object to a magistrate judge's proposed findings and recommended disposition waives appellate review of both factual and legal issues. *United States v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10<sup>th</sup> Cir. 1996).

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 90) are ADOPTED.

IT IS FURTHER ORDERED that the *Martinez* Report and Motion for Summary Judgment by Defendants Dr. Barry Beaven and Dr. William Shannon (Doc. 58) is GRANTED.

IT IS FURTHER ORDERED that the following motions are DENIED AS MOOT: Plaintiff's Motion for Jury Trial (Doc. 61); Plaintiff's Motion for Summary Judgment (Doc. 62); Plaintiff's Motion to Request a Trial (Doc. 65); Plaintiff's Motion to Address Medical Care and Concerns (Doc. 67); Plaintiff's Motion for Preliminary Injunction (Doc. 68); Plaintiff's Motion for Appointment of Counsel (Doc. 73); Plaintiff's Motion for Ruling (Doc. 76); Plaintiff's Motion for Summary Judgment (Doc. 78); Plaintiff's Motion for Summary Judgment (Doc. 79); Plaintiff's Motion to Set Trial Date (Doc. 83); Plaintiff's Motion for Summary Judgment (Doc. 84); Plaintiff's Motion for Appointment of Counsel (Doc. 85); and, Plaintiff's Motion for Telephonic Hearing (Doc. 86).

IT IS SO ORDERED.

  
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THE HONORABLE MARTHA VAZQUEZ  
UNITED STATES DISTRICT JUDGE